

# PATENT COOPERATION TREATY

Copy

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
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AUSTIN, TX 78746

**RECEIVED**  
AUG 15 2006  
TOLER SCHAFFER, LLP

## PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference LB1043-WO	Date of mailing (day/month/year) <b>11 AUG 2006</b>
International application No. PCT/US04/42042	International filing date (day/month/year) 15 December 2004 (15.12.2004)
Applicant SBC KNOWLEDGE VENTURES, L.P.	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer  Zarni Maung  Telephone No. 8662179197
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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference LB1043-WO	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US04/42042	International filing date ( <i>day/month/year</i> ) 15 December 2004 (15.12.2004)	(Earliest) Priority Date ( <i>day/month/year</i> ) 29 March 2004 (29.03.2004)
Applicant SBC KNOWLEDGE VENTURES, L.P.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the Report**

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed.  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☐ the text is approved as submitted by the applicant.  
☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1

- ☒ as suggested by the applicant.  
☐ as selected by this Authority, because the applicant failed to suggest a figure.  
☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/42042

### Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

#### NEW ABSTRACT

A system and method are disclosed for indicating network connectivity and access to an information service offering. A method incorporating teachings of the present disclosure may include establishing a communication link between a modem of a user and a network aggregation point like a digital subscriber line access multiplexer or a cable head end (20). The method may also include recognizing or allowing access by the modem to an information service node such as an Internet Service Provider, an electronic mail account, or a Domain Name Server (24). In some embodiments, the existence of the communication link may be visually indicated at a first location on the modem, and a condition of allowed access to an information service may be visually indicated at a second location on the modem (28).

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/42042

## A. CLASSIFICATION OF SUBJECT MATTER

IPC: G06F 15/173( 2006.01)

USPC: 709/224

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 709/224;;220:223;227;230

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6,018,767 (FIJOLEK et al) 25 January 2000 (15.01.2000), column 5 lines 30-67, column 6 lines 31-44, column 7 lines 45-62, column 10 lines 24-44, column 11 lines 38-50, column 12 lines 23-53	1-21

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

12 June 2006 (12.06.2006)

Date of mailing of the international search report

11 AUG 2006

Name and mailing address of the ISA/US

Mail Stop PCT. Attn: ISA/US

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer

Zarni Maung

Telephone No. 8662179197

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
RUSSELL W. WHITE  
TOLER, LARSON & ABEL, LLP  
SUITE 265  
5000 PLAZA ON TE LAKE  
AUSTIN, TX 78746

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **11 AUG 2006**

Applicant's or agent's file reference

LB1043-WO

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

PCT/US04/42042

International filing date (day/month/year)

15 December 2004 (15.12.2004)

Priority date (day/month/year)

29 March 2004 (29.03.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC: **G06F 15/173** (2006.01)

USPC: 709/224

Applicant

SBC KNOWLEDGE VENTURES, L.P.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT. Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
Facsimile No. (571) 273-3201

Date of completion of this opinion

12 June 2006 (12.06.2006)

Authorized officer

Zarni Maung

Telephone No. 8662179197

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/42042

**Box No. I Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/42042

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-21</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-21</u>	NO
Industrial applicability (IA)	Claims <u>1-21</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/42042

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

**V. 2. Citations and Explanations:**

Claims 1-21 lacks novelty under PCT Article 33(2) as being anticipated by Fijolek et al. U.S. Patent # 6,018,767 (hereinafter Fijolek).  
As per claim 1, Fijolek teaches a method of indicating connectivity comprising: establishing a communication link between a modem of a user and a network aggregation point (column 5 lines 34-40); authorizing access by the modem to an information service (column 6 lines 28-41)(column 5 lines 52-66); visually indicating an existence of the communication link at a first location of the modem (column 5 lines 34-40); and visually indicating an availability of the information service at a second location of the modem (column 5 lines 52-66).  
As per claim 2, Fijolek teaches the method of claim 1, further comprising: utilizing a first light emitting diode to indicate the existence of the communication link; and utilizing a second light emitting diode to indicate the availability of the information service (Fig. 1 element 14, 16, 22, 20)(column 5 lines 41-65).

As per claim 3, Fijolek teaches the method of claim 1, executing a Point to Point Protocol over Ethernet client in connection with establishing the communication link (column 7 lines 45-48).

As per claim 4, Fijolek teaches the method of claim 1, communicating a user credential to an authentication server in connection with authorizing access to the information service (column 10 lines 24-52).

As per claim 5, Fijolek teaches The method of claim 1, further comprising communicating information from the information service to the modem via the network aggregation point (column 8 lines 52-67)(column 9 lines 1-3).

As per claim 6, Fijolek teaches the method of claim 1, wherein the modem comprises a user interface having visual display capabilities (column 7 lines 45-54).

As per claim 7, Fijolek teaches the method of claim 6, wherein the user interface comprises the first location and the second location (column 7 lines 55-67)(column 8 lines 1-4)(Fig. 1 element 16).

As per claim 8, Fijolek teaches the method of claim 1, further comprising distributing the modem to the user (Fig. 1 element 16)(column 5 lines 49-61).

As per claim 9, Fijolek teaches the method of claim 1, wherein the modem comprises an xDSL modem (column 5 lines 61-66).

As per claim 10, Fijolek teaches The method of claim 1, wherein the modem comprises a cable modem (column 5 lines 49-53).

As per claim 11, Fijolek teaches the method of claim 1, wherein the network aggregation point comprises a cable modem termination system (column 5 lines 34-43).

As per claim 12, Fijolek teaches the method of claim 1, wherein the network aggregation point comprises a digital subscriber line access multiplexer (column 5 lines 61-66).

As per claim 13, Fijolek teaches the method of claim 1, further comprising disabling an indication of the existence of the communication link in response to recognizing a loss of the communication link (column 12 lines 23-45).

As per claim 14, Fijolek teaches a connectivity indication system, comprising: a user interface coupled to a housing component (Fig. 1



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US04/42042

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

element 18), the user interface comprising a visual display portion (column 5 lines 52-54); the housing component at least partially defining an enclosure; a broadband modem module secured within the enclosure (column 5 lines 34-40); a link detection mechanism communicatively coupled to the broadband modem module and operable to output a link signal in response to a determination that a communication link exists between the broadband modem module and a network aggregation point (column 5 lines 34-40); a data detection mechanism operable to output an access signal in response to a recognition that the broadband modem module enjoys access to a remote information service; a first indicator operable to be displayed within the user interface in response to the link signal; and a second indicator operable to be displayed within the user interface in response to the access signal (column 5 lines 34-40, lines 52-66). As per claim 15, Fijolek teaches The system of claim 14, wherein the user interface comprises a plurality of light emitting diodes within the visual display portion, further wherein the first indicator comprises a lighted one of the plurality of light emitting diodes and the second indicator comprises a different lighted one of the plurality of light emitting diodes (Fig. 1 element 14, 16, 22, 20) (column 5 lines 41-65).

As per claim 16, Fijolek teaches the system of claim 14, wherein the broadband modem module comprises a cable modem (column 5 lines 49-53).

As per claim 17, Fijolek teaches the system of claim 14, wherein the broadband modem module comprises an xDSL modem (column 5 lines 61-66).

As per claim 18, Fijolek teaches The system of claim 14, further comprising a PPPoE client executing on a processor secured within the enclosure (column 11 lines 38-45).

As per claim 19, Fijolek teaches a method of generating connectivity awareness comprising: providing a subscriber with a broadband modem comprising at least a first indicator operable to display a connectivity status indicating whether a connection exists between the broadband modem and a network aggregation node and a second indicator operable to display a data status indicating an availability of access to a remote information service node (column 5 lines 34-40, lines 52-66); and providing a broadband data service to the subscriber (column 6 lines 6-19).

As per claim 20, Fijolek teaches the method of claim 19, further comprising: receiving a trouble shooting request from the subscriber, the trouble shooting request relating to the broadband service; and prompting the user to observe the first and second indicator (column 12 lines 23-45).

As per claim 21, Fijolek teaches The method of claim 20, further comprising: receiving a communication indicating that the first indicator displays a positive connectivity status and the second indicator displays a negative data status; and determining an appropriate suggestion responsive to the trouble shooting request (column 12 lines 23-53).